

SPIVAK LIPTON LLP

ATTORNEYS AT LAW

1040 Avenue of the Americas
20th Floor
New York, NY 10018
T 212.765.2100
F 212.765.8954

September 6, 2023

VIA ECF

Hon. Paul A. Engelmayer
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square, Room 2201
New York, NY 10007

Re: *Wong v. I.A.T.S.E., as Plan Administrator of the I.A.T.S.E. Annuity and Pension Funds*
Case No. 23-cv-7629 (PAE)

Dear Judge Engelmayer:

We represent Defendant(s) I.A.T.S.E. Annuity Fund and I.A.T.S.E. National Pension Fund (incorrectly named as “I.A.T.S.E., as Plan Administrator of the I.A.T.S.E. Annuity and Pension Funds”) in the above-referenced matter.

We write pursuant to Your Honor’s Notice of Initial Pretrial Conference dated August 29, 2023 (ECF Dkt. No. 3), which directs us, as the removing defendant, to provide the Court with certain information regarding the removal of this case from New York State court. The information requested by the Court is as follows:

1. All defendants who had been served at the time of removal joined in the notice of removal. We represent all defendants in this action.
2. The notice of removal was not dated more than 30 days after the first defendant was served. The Affidavit of Service filed by plaintiff states that service was made on August 7, 2023 and the notice of removal was filed on August 28, 2023.
3. The action has not been removed on the grounds of diversity jurisdiction. Removal was based on federal question jurisdiction.

Respectfully submitted,

/s/ Gillian Costello
Gillian Costello

cc (via UPS and email):
Edward W. Hayes, Esq.
Attorney for Plaintiff